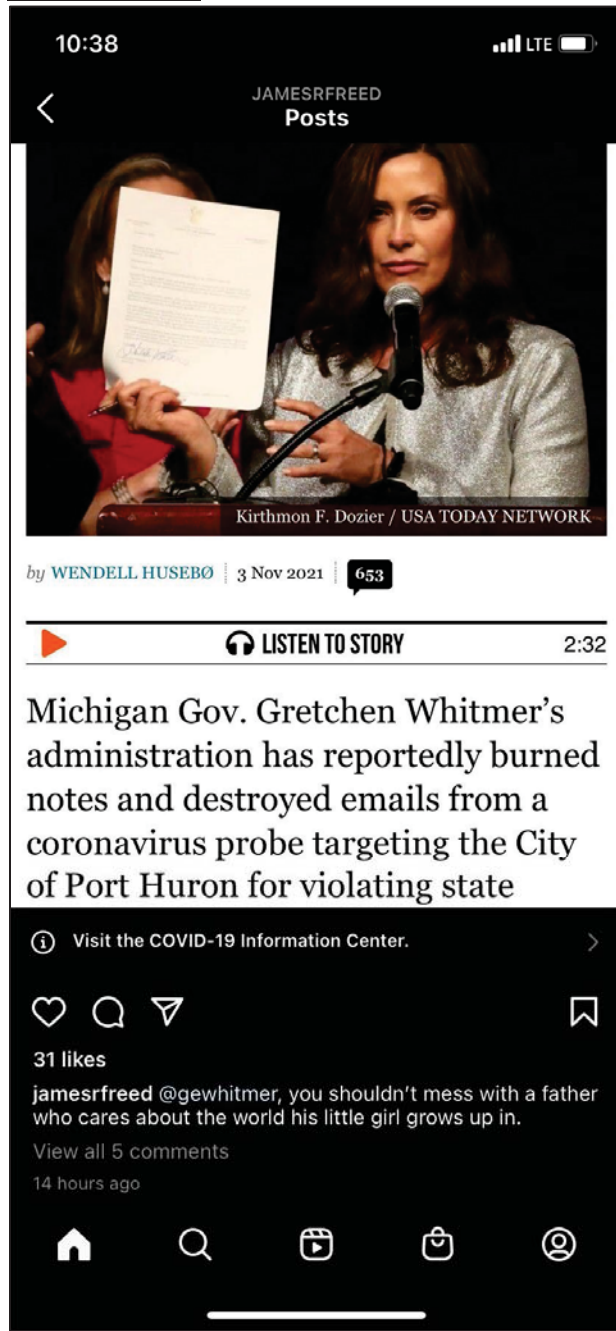


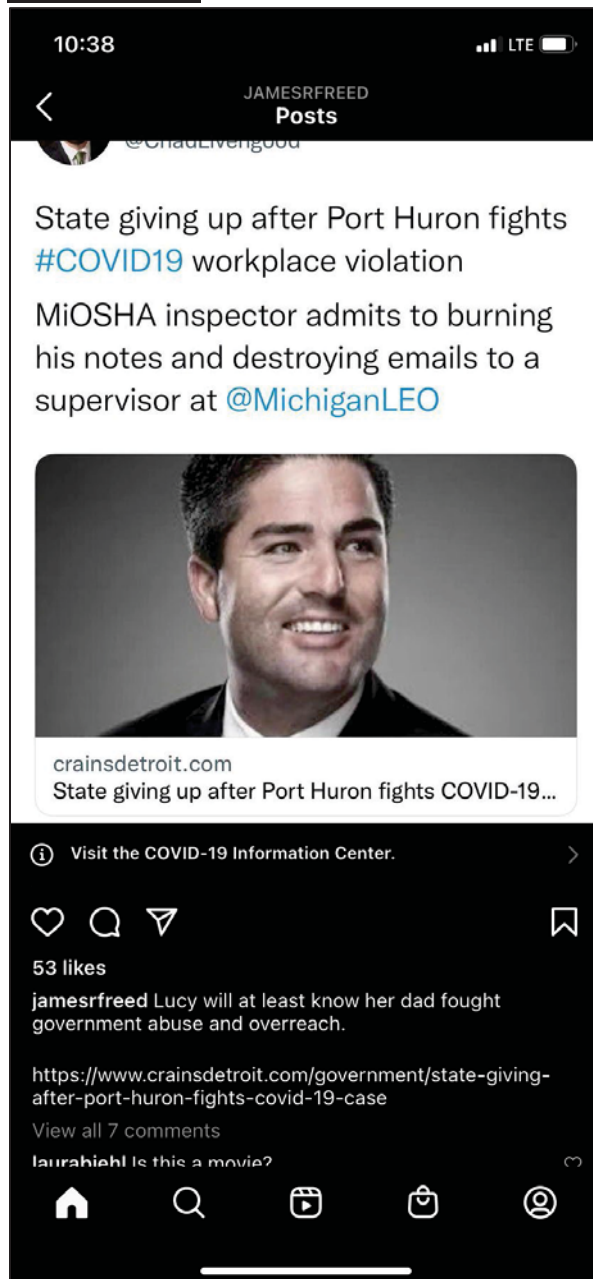
EXHIBIT E

James Freed Complaint

I believe a Tenet 7 violation may have occurred as Mr. Freed was placing on his personal social media page his victory against MI-OSHA over alleged violations being dismissed. It appears he is goating Governor Whitmer about this matter from his Instagram account to her Instagram account (Freed 1 exhibit). It also appears that Mr. Freed is grandstanding his victory against the State of Michigan in the second photo (Freed 2 exhibit).

Freed 1 Exhibit

Freed 2 Exhibit



CRAIN'S DETROIT BUSINESS

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November 01, 2021 04:11 PM

State giving up after Port Huron fights COVID-19 case

Associated Press

Jacob Lewkow for Crain's
Detroit Business

James Freed

PORT HURON — A state agency said it will dismiss a COVID-19 workplace violation against Port Huron after the city aggressively fought the case and revealed questionable acts by an inspector.

Port Huron spent more on its defense than the \$6,300 fine proposed by the Michigan Occupational Safety and Health Administration, known as MIOSHA.

City Manager James Freed [told The Detroit News](#) that the citation against the city was a "sloppy attempt" to disparage city employees and an example of unfair enforcement during the pandemic.

"My heart breaks for all the small businesses and mom-and-pops that didn't have an expert legal team, who didn't have the resources to put MIOSHA under oath," Freed said.

After a July 2020 visit, state inspector Matthew Hartman said Port Huron didn't require masks, failed to keep proper records and didn't follow health screening rules. The city denied the allegations and fought the case.

Port Huron's lawyers put Hartman through a formal interview. He said he burned his notes from the investigation and destroyed emails from a supervisor.

MIOSHA recently signaled that it plans to drop the case, after being told that Port Huron planned to take a deposition from director Bart Pickelman.

"There can be many reasons that prompt the dismissal of a MIOSHA citation," and a dismissal can be a sign that the appeals process is "working," spokeswoman Erica Quealy said.

Freed said it was disappointing to see Port Huron highlighted in a MIOSHA news release about violations. He questioned Democratic Gov. Gretchen Whitmer's remarks in which she

ICMA DOCS 2237

said only employers that had "flouted" COVID-19 rules were being targeted.

"Will the governor now issue a statewide apology and press release for our employees? It's all just so disheartening," he said.

Rich Studley of the Michigan Chamber of Commerce said many businesses can't afford the legal fees that come with fighting a citation.

"Businesses will follow the Port Huron case very closely because hundreds and hundreds of businesses have had the same kind of experience that was visited on Port Huron," he said.

Inline Play

Source URL: <https://www.crainsdetroit.com/government/state-giving-after-port-huron-fights-covid-19-case>

There are two attachments. One is an email string where Mr. Freed shares with managers on the municipal list serve an email he sent to his staff on his position on the vaccination mandate and some of the responses from other managers.

The second is an editorial he shared on the managers listserve written about his issue in Port Huron. When another manager cautioned him on Tenet 7, he then ripped said manager.

From: managementforum@listserv.mml.org on behalf of James Freed
<managementforum@listserv.mml.org>
Sent: Saturday, November 6, 2021 9:47 AM
To: managementforum@listserv.mml.org
Subject: Vaccine Mandate email.

This message was sent by James Freed jamesfreedmlgmalistserv1@gmail.com

Below is the email I sent two days ago to our more than 430 employees:

City Staff,

I know there has been significant news and information floating around regarding OSHA and a forthcoming vaccine mandate for employers with 100 or more employees.

Municipalities do not fall under the jurisdiction of OSHA. However, we do fall under the jurisdiction of MIOSHA, and they will need to promulgate additional rules if they seek to include us in any future mandate.

Hear me now, I will never enforce a vaccine mandate upon my employees. I took an oath to protect and uphold the Constitution when I took this position.

I will uphold my oath, come what may.

I earnestly believe that one of the many federal judges across this country will issue an injunction soon. I also believe the U.S. Supreme Court will soundly reject this overreach of the administrative state.

Laws are made by duly elected members of the U. S. Congress, Senate and signed by the President, not unelected bureaucrats.

I hope I have made my position on this issue clear to you.

Have a great weekend!

-James Freed

Post your message to the list by sending it to MANAGEMENTFORUM@listserv.mml.org.

To contact the list owner, send your message to
MANAGEMENTFORUM-list-owner@listserv.mml.org.

Michigan Municipal League 1675 Green Road Ann Arbor, MI 48105-2530 USA

To unsubscribe, switch to/from digest, get on/off vacation, or change your email address, click [here](#).

From: managementforum@listserv.mml.org on behalf of James Freed
<managementforum@listserv.mml.org>
Sent: Saturday, November 6, 2021 5:18 PM
To: managementforum@listserv.mml.org
Subject: RE: Vaccine Mandate email.

This message was sent by James Freed jamesfreedmlgmalistserv1@gmail.com

Luckily, it was just stayed by the Court of Appeals:
<<https://files.mail-list.com/m/managementforum/86317580.html>>

Cheers to those who defend liberty.

-James Freed

From: managementforum@listserv.mml.org <managementforum@listserv.mml.org>
on behalf of Kevin Welch kwelch6_at_gmail.com <managementforum@listserv.mml.org>
Sent: Saturday, November 6, 2021 3:35:18 PM To: managementforum@listserv.mml.org
<managementforum@listserv.mml.org> Subject: RE: Vaccine Mandate email.

This message was sent by Kevin Welch kwelch6@gmail.com

This is becoming inappropriate

On Nov 6, 2021, at 12:27 PM, Robert Stiverson rstiverson_at_cityofbadaxe.com <managementforum@listserv.mml.org> wrote:

>
> This message was sent by Robert Stiverson rstiverson@cityofbadaxe.com
>
> I look to morgue and see that COVID kills.
>
> I look and that those with vaccinations have also died of COVID.
>
> I look to see that there are that died of vaccination who did not have
> COVID, including unborn babies never given a chance
>
> I look to those living and see those with side effects from the
> vaccinations impacting daily lives
>
> I look at my own family and see that one had an allergic reaction to
> the vaccination and was lucky she had not left the hospital yet and
> was able to recover
>
> I look see those living with the side effects of having COVID and
> thankful that my own fight with COVID did not leave me with any.
>

From: managementforum@listserv.mml.org on behalf of James Freed
<managementforum@listserv.mml.org>
Sent: Thursday, November 4, 2021 9:25 AM
To: managementforum@listserv.mml.org
Subject: RE: Editorial

This message was sent by James Freed jamesfreedmlgmalistserv1@gmail.com

Pat,

Nothing about that editorial or my comments to the media are even remotely close to a violation of Tenant 7. You should be ashamed. False flagging and accusing a manager of an ethics violation in a public forum, among peers, could very well be considered a violation of Tenant 3.

More remarkable, is that you Chair the MME Member Success Committee, which is charged with providing moral support to fellow managers.

James R. Freed, ICMA-CM
City Manager
Chief Administrative Officer

City of Port Huron
100 McMorran Blvd
Port Huron, MI 48060

Office: 810.984.9740
Fax: 810.982.0282
Email: James@PortHuron.org
www.PortHuron.org

*The City of Port Huron is an equal opportunity employer and service provider

On 11/4/21, 8:57 AM, "Patrick McGinnis pmcginnis_at_grandhaven.org"
<managementforum@listserv.mml.org> wrote:

This message was sent by Patrick McGinnis pmcginnis@grandhaven.org

Please review Code of Ethics, particularly Tenet #7.

Pat McGinnis
City Manager
519 Washington Ave, Grand Haven, MI 49417
pmcginnis@grandhaven.org
office (616) 847-4888
mobile (616) 402-0815

From: managementforum@listserv.mml.org [mailto:managementforum@listserv.mml.org]
Sent: Thursday, November 4, 2021 8:41 AM

This message was sent by Desentz Aaron adesentz@mt-pleasant.org

James,

Thank you for keeping us updated on this. I'm still shocked by the entire thing.

Aaron Desentz
City Manager
City of Mt. Pleasant
320 W. Broadway Street
Mt. Pleasant, MI 48858
Business: (989) 779-5323

-----Original Message-----

From: managementforum@listserv.mml.org
<managementforum@listserv.mml.org><<mailto:managementforum@listserv.mml.org>%3e>
Sent: Wednesday, November 3, 2021 2:04 PM To: managementforum@listserv.mml.org
Subject: Editorial

EXTERNAL Message Warning

This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

This message was sent by James Freed jamesfreedmlgmalistserv1@gmail.com

Excellent Editorial attached.

-jf

James R. Freed, ICMA-CM

City Manager

Chief Administrative Officer

City of Port Huron

100 McMorran Blvd

Port Huron, MI 48060

Office: 810.984.9740

Fax: 810.982.0282

Email: James@PortHuron.org

www.PortHuron.org

The Detroit News

EDITORIAL | Editorial *This editorial reflects the opinion of this publication's Editorial Board.*

Editorial: Whitmer's transparency pledge goes up in flames

The Detroit News

Published 11:00 p.m. ET Nov. 2, 2021

Throughout the pandemic Michigan employers have felt the sting of government interference. Those who didn't follow Gov. Gretchen Whitmer's constantly changing rules faced serious fines and even closure. Now some are pushing back on citations, and exposing even more secrecy within this administration.

The Detroit News this week uncovered some alarming details in one investigation related to the city of Port Huron, including how a state workforce safety inspector burned (literally) documents and destroyed notes and emails related to the case. That alone calls for a close look at this agency's practices and leadership.

Did anyone instruct Michigan Occupational Safety and Health Administration Inspector Matthew Hartman to take such curious action? And did he violate state policy or the law in destroying the evidence?

These are important questions that deserve answers. Setting records on fire while cases could still be appealed seems unusual, and the destruction leads the public to assume that they contained information that the agency didn't want the public, or Port Huron, to know.

More: MIOSHA dismisses year-old COVID fine after city threatens to depose director

More: Jacques: Hey Whitmer, where's the transparency?

Late last month, MIOSHA, facing the threat of having Director Bart Pickelman deposed, filed to dismiss the citation against the city. Again, what information were they trying to keep secret?

In their role, MIOSHA inspectors are law enforcement officers. Notes and emails that contain information on how they built their case should be retained as long as a case is pending. We do

not want a state that incinerates potentially exculpatory information while a case is still being adjudicated.

In the Port Huron case, MIOSHA was charged with enforcing Whitmer's COVID orders and fining businesses and employers if they didn't fully comply.

The agency, which falls under the Department of Labor and Economic Opportunity, has levied more than 500 COVID fines and publicly reported the names of the businesses penalized through press releases.

The city of Port Huron decided to fight back and appeal the \$6,300 fine it received in the summer of 2020 for reported violations of workplace safety rules.

City Manager James Freed referred to the case as a "sloppy attempt" to disparage employees and an example of MIOSHA's harsh pandemic enforcement.

Freed noted the city's legal fees totaled at least \$15,000 — an amount many small business owners wouldn't be able to swing.

The Legislature should take a close look into how MIOSHA conducted its investigations, and why emails and notes that relate to the case were incinerated.

House Oversight Committee chairman Steve Johnson, R-Wayland, has held hearings on the failings of the Unemployment Insurance Agency, also under the labor department, during COVID, and this has led to the recent resignation of the acting director, Liza Estlund Olson. He should now turn to MIOSHA.

MIOSHA will continue to play a large role in overseeing business compliance, and it will be the state agency to implement President Joe Biden's impending vaccine and testing mandate on businesses with more than 100 employees.

Michigan's businesses should have confidence they will be treated fairly, and at the very least, with transparency.

Another post on his Instagram page

